

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:)	CASE NO.: 24-13781-AMC
)	
Rose Merle Smith,)	
)	
Debtor)	CHAPTER 13

**OBJECTION OF CAPITAL ONE AUTO FINANCE,
A DIVISION OF CAPITAL ONE, N.A.
TO CONFIRMATION OF DEBTOR'S PROPOSED PLAN**

Capital One Auto Finance, a division of Capital One, N.A. ("COAF"), by and through its attorneys, Lavin, Cedrone, Graver, Boyd & DiSipio, files **Objection to Confirmation of Debtor's Proposed Plan** and states:

1. On July 23, 2021, Debtor Rose Merle Smith, entered into a Retail Installment Contract with COAF in the principal amount of \$47,337.39 (the "Contract") that referred and related to the purchase of a 2019 BMW X3 Utility 4D 30i AWD 2.0L I, V.I.N. 5UXTR9C52KLR08366 (the "Motor Vehicle").
2. To secure the Contract, Debtor Rose Merle Smith granted a first lien on the Motor Vehicle in favor of COAF.
3. On October 23, 2024, Debtor filed a Voluntary Petition under Chapter 13 of the United States Bankruptcy Code.
4. On October 23, 2024, Debtor filed a Proposed Plan (the "Plan").
5. The Chapter 13 Trustee has scheduled a Meeting of Creditors for December 13, 2024.
6. The plan lists the amount of the claim at \$19,370.00 at 10.00% interest.
7. As of the October 23, 2024, the balance on Capital One Auto Finance, a division of Capital One, N.A. Total claim was \$37,572.97.
8. The fair market value for the Motor Vehicle is \$21,225.00. See attached Exhibit C.
9. COAF is entitled to a secured claim of \$21,225.00 over the life of the plan.
10. For the foregoing reasons, COAF objects to confirmation of the Plan.

WHEREFORE **Capital One Auto Finance, a division of Capital One, N.A.**, respectfully requests this Honorable Court to deny confirmation of the Plan.

Respectfully submitted,

Lavin, Cedrone, Graver, Boyd & DiSipio

BY: /s/ Regina Cohen

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Dated: November 25, 2024